

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MICHAEL PATRICK SIANO,
Plaintiff

V.
M&T BANK, ET AL.,
Defendant

RECEIVED

2020 NOV 26 A 3:40
SUMMONS IN A CIVIL CASE
USDC FOR NJ

CASE
NUMBER: 3:20-CV-12827-MAS-DEA

TO: (Name and address of Defendant): COUNSEL for M&T BANK
PARKER IBRAHIM & BERK LLP. 270 Davidson Avenue,
Somerset, NJ 08873.

PARKER MCCLAY P.A. LAW OFFICES
9000 Midlantic Dr. Suite 300 P.O. Box 5054
Mount Laurel, NJ 08054

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

s/ WILLIAM T. WALSH

CLERK



ISSUED ON 2020-09-23 10:48:46, Clerk
USDC NJD

AO 399 (01/09) Waiver of the Service of Summons

UNITED STATES DISTRICT COURT
for the
District of New Jersey 

MICHAEL PATRICK SIANO

Plaintiff

v.

M&T BANK ET AL.

Defendant

Civil Action No. 3:20-CV-12827-MAS-DEA

WAIVER OF THE SERVICE OF SUMMONS

To: MICHAEL PATRICK SIANO

(*Name of the plaintiff's attorney or unrepresented plaintiff*)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 11/25/2020, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: _____

Signature of the attorney or unrepresented party

Printed name of party waiving service of summons

Printed name

Address

E-mail address

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.